



December 14, 2004

FOLEY & LARDNER LLP
ATTORNEYS AT LAW

WASHINGTON HARBOUR
3000 K STREET, N W, SUITE 500
WASHINGTON, D C 20007 5143
202 672 5300 TEL
202 672 5399 FAX
www.foley.com

WRITER'S DIRECT LINE
202 295 4081
cmitchell@foley.com EMAIL

CLIENT/MATTER NUMBER
048502 0101

VIA HAND DELIVERY

The Honorable Bradley A. Smith, Chairman
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Re: MUR 5610 -- Extension of Time to Respond to RTB Finding

Dear Chairman Smith:

Please find enclosed the Statement of Designation of Counsel executed by Mr. Mike Mitchell, Treasurer of the Dole North Carolina Victory Committee ("Committee") authorizing the undersigned and this Firm to represent Mr. Mitchell and the Committee (collectively hereafter "Respondents") in the above-referenced Matter Under Review ("MUR 5610").

On December 2, 2004, I received your November 29, 2004 letter advising Respondents of the MUR and the Commission's finding that there is Reason to Believe that Respondents violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Mr. Mitchell received the original RTB finding on a date after December 2, 2004. According to the information contained in your November 29, 2004 letter, the Respondents' response to the RTB finding is due within fifteen (15) days of Mr. Mitchell's receipt of the RTB finding, which would be sometime after December 17, 2004.

Respondents and I are/were and remain completely taken aback and baffled by the Commission's actions in this MUR. Any violations of law regarding the Committee result from the theft of funds by the Committee's Assistant Treasurer, which information was made known to the Commission by Respondents. Prior to receipt of the RTB finding earlier this month, Respondents were wholly unaware of any enforcement proceedings being contemplated or pursued by the Commission in this matter inasmuch as Respondents took affirmative steps to insure that proper procedures were followed by the Assistant Treasurer and initiated and conducted the investigation which resulted in the discovery of the theft, and ultimately the Assistant Treasurer's indictment, conviction and current imprisonment.

The Committee has been completely candid and cooperative with the Commission in all respects regarding the Assistant Treasurer's misappropriation of Committee funds.

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The Honorable Bradley A. Smith
Federal Election Commission
December 14, 2004
Page Two

However, because the Commission has initiated adversary proceedings against the Committee, it is now necessary for Respondents to prepare and submit to the Commission a thorough response to the RTB finding and to fully document the facts, correct the record reflected in the RTB findings and to take all other steps necessary to defend the Committee and its Treasurer.

In order to allow sufficient time for the preparation of the response, Respondents hereby request an extension of time until January 31, 2005 to prepare and file their response to the RTB finding.

Please contact me at (202) 295-4081 if you have any questions or require further information. Thank you in advance for your consideration of this request.

Sincerely,



Cleta Mitchell, Esq.
Counsel for Respondents

cc: Mr. Mike Mitchell, Treasurer, Dole North Carolina Victory Committee, Inc.
Mr. Larry Norton, Esq., Office of General Counsel
Ms. Alexandra Dumas, Esq., Office of General Counsel

Enclosure

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FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

MUR 5610

**Statement of Designation of Counsel
(Respondent/Witness)**

Name of Counsel: Cleta Mitchell

Firm: Foley & Lardner LLP

3000 K Street, N.W., Washington, DC 20007

Telephone: (202) 295-4081

Fax: (202) 672-5399

The above named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission

12/07/2004

Date

Signature

Name (Print): Mike Mitchell

Address: P.O. Box 2611

Raleigh, NC 27602

Telephone: Home ()

Business (919) 821-1220

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

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